



Zfw

Atty. Docket No.: PC-1434CIP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: CHRISTOPHER J. TWIGG
Serial No.: 10/809,612
Filed: 03/25/2004
For: KOT-TO-TROT
Examiner: FREDRICK C. CONLEY

Group: 3673 Paper No:

ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

I enclose the following papers:

1. Election
2. Return post card

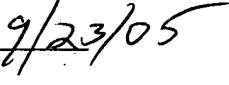
Please enter the above correspondence.

Respectfully submitted


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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by first class mail addressed to the: Commissioner of Patents and Trademarks, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.


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Brian S. Steinberger
(Name of Person Sending Mail)


(Signature of Person Sending Mail)
Customer No. 23717

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Sir:

In response to the Examiner's Action mailed August 26, 2005, Applicant elects to prosecute with traverse, Invention III, Species 3, Figures 16-39 (sidewalls, screen strap zippers) Claims 1, 3, 5, 6, 12-25, 28-29, 31, and 32.

Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I Species 1 Figures 1-4 (screen and sidewalls) Claims 1, 3, 5, 6, 12-20, 23, 25, 28, 31, and 32

Invention II Species 2 Figures 12-15 (with sidewalls and bag) Claims 1, 3, 5, 6, 12-15, 28, 29, 30, 31, and 32

Invention III Species 3 Figures 16-39 (sidewalls, screen strap zippers) Claims 1, 3, 5, 6, 12-25, 28-29, 31, and 32

Invention IV Species 4 Figure 40 step for pets, Claims 1, 3, 5, 6, 12-15, 26-29, 31, and 32

Applicant agrees there are separate inventions, however, applicant disagrees with the restriction requirement for several reasons. The Primary Examiner finds separate inventions in the Figures 1-40.

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

The examiner has not stated that separate searches and separate examiners are necessary to examine these inventions. In fact, the examiner admits the four inventions are searchable and classified in the same class and subclass.

Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If all Inventions I - IV can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

Therefore, Applicant requests reconsideration and withdrawal of the restriction requirement.

However, in reference to the restriction requirement, Applicant again wishes to make their election to prosecute Invention III of Species 3, Figures 16-39: with traverse. If further restrictions are merited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:



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